

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENDALL JACKSON JIMINEZ,

Petitioner,

v.

CHARLES L. GREEN,

Respondent.

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Civil Action No. 17-293 (JMV)

OPINION

APPEARANCES:

MIKHAIL USHER

Usher Law Group, PC

2711 Harway Avenue

Brooklyn, NY 11214

On behalf of Petitioner

MARK CHRISTOPHER ORLOWSKI

Office of the U.S. Attorney

District of New Jersey

970 Broad Street, Suite 700

Newark, NJ 01701

On behalf of Respondent.

VAZQUEZ, United States District Judge

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on January 16, 2017. (ECF No. 1.) He alleges a violation of his right to due process based on prolonged pre-final removal order detention in the custody of Immigration and Customs Enforcement. (“ICE”). (*Id.*) Petitioner is confined in Essex County Correctional Facility, and he has been in custody since May 19, 2016. (*Id.*, ¶10.)

Respondent submitted a letter response to the petition on March 27, 2017. (ECF No. 4.)

Respondent does not object to a remand ordering an Immigration Judge to provide Petitioner with a bond hearing, in accordance with 8 C.F.R. § 1003.19(c). The Court will, therefore, grant the habeas petition and order Respondent to provide Petitioner with a bond hearing. *See Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (due process requires that detention without bail pursuant to 8 U.S.C. § 1226(c) be limited to a reasonable period of time to further the goals of the detention statute.)

An appropriate Order follows.

Date: March 29, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge